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Report of the co-facilitators on the open-ended intergovernmental process to conduct open, transparent and inclusive negotiations on how to strengthen and enhance the effective functioning of the human rights treaty body system

Note by the President of the General Assembly

The General Assembly, in its resolution 66/254 of 23 February 2012, requested the President of the General Assembly to launch an open-ended intergovernmental process to conduct open, transparent and inclusive negotiations on how to strengthen and enhance the effective functioning of the human rights treaty body system, and to appoint two co-facilitators to assist in that process. Pursuant to that request, on 11 April 2012, the President of the General Assembly appointed Greta Gunnarsdottir, Permanent Representative of Iceland to the United Nations, and Desra Percaya, Permanent Representative of Indonesia to the United Nations, as co-facilitators of the process.

Following the discussions that took place during the sixty-sixth session of the General Assembly, the co-facilitators reported on the deliberations (see A/66/902). In the light of those discussions, there was a clear need and a basis for further consultations. Accordingly, on 17 September 2012, the Assembly adopted its resolution 66/295, entitled "Extension of the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system".

Pursuant to that resolution, in a letter dated 7 December 2012, I reappointed Ms. Gunnarsdottir and Mr. Percaya to continue to co-facilitate the process on my behalf.

I now have the pleasure to transmit herewith the report of the co-facilitators on the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, containing the deliberations and recommendations of the intergovernmental process.

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Report on the open-ended intergovernmental process to conduct open, transparent and inclusive negotiations on how to strengthen and enhance the effective functioning of the human rights treaty body system

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I. Introduction and overview

1. On 23 February 2012, the General Assembly adopted its resolution 66/254, entitled "Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system". In the resolution, the Assembly requested its President to:

(a) Launch, within the framework of the Assembly, an open-ended intergovernmental process to conduct open, transparent and inclusive negotiations on how to strengthen and enhance the effective functioning of the human rights treaty body system, and to appoint two co-facilitators to assist him in that process;

(b) Establish appropriate channels of communication with the President of the Human Rights Council and to work out separate informal arrangements, after consultation with Member States, that would allow the open-ended intergovernmental process to benefit from the inputs and expertise of the human rights treaty bodies, national human rights institutions and relevant non-governmental organizations, bearing in mind the intergovernmental nature of the process;

(c) Report by the end of the sixty-sixth session on the deliberations and recommendations of the open-ended intergovernmental process for further consideration by the Assembly, including consideration of a possible extension of the process.

2. Following the discussions that took place during the sixty-sixth session of the General Assembly, the co-facilitators reported on the deliberations (see A/66/902), as requested in resolution 66/254.

3. However, given the relatively short amount of time for Member States to deliberate on and consider the numerous issues raised during the intergovernmental process, no specific recommendations for action were finalized.

4. In the light of those discussions, there was a clear need and a basis for further consultations. It was therefore recommended that the General Assembly decide to extend its intergovernmental process on strengthening and enhancing the effective functioning of the human rights treaty body system to its sixty-seventh session.

5. In line with that recommendation, on 17 September 2012 the General Assembly adopted by consensus its resolution 66/295, entitled "Extension of the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system". In the resolution, the Assembly:

(a) Decided to extend the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system to the sixty-seventh session of the Assembly, to build upon the discussions held thus far with a view to identifying in the upcoming session of the Assembly concrete and sustainable measures needed to strengthen and enhance the effective functioning of the human rights treaty body system;

(b) Requested the President of the General Assembly at its sixty-seventh session to extend the mandate of the two co-facilitators to continue open, transparent and inclusive negotiations, with the view to considering a possible outcome during the sixty-seventh session of the Assembly.

II. Work of the co-facilitators during the sixty-seventh session of the General Assembly

6. In a letter dated 7 December 2012, the President of the General Assembly reappointed Greta Gunnarsdottir, Permanent Representative of Iceland, and Desra Percaya, Permanent Representative of Indonesia, to continue to co-facilitate the process on his behalf.

7. The co-facilitators have held numerous consultations during the sixty-seventh session of the General Assembly, including:

(a) Two informal meetings with Member States, on 12 February and 10 September 2013, respectively;

(b) Three thematic and informal discussions, on 19 and 20 February, from 11 to 17 April and on 6 and 7 May 2013, respectively, with treaty body experts participating as resource persons;

(c) Informal briefings and meetings with delegations, human rights treaty bodies and civil society during a visit to Geneva on 18 and 19 April 2013;

(d) Numerous bilateral consultations with Member States;

(e) Two meetings with the Chairs of the treaty bodies during their annual meeting held in New York on 20 and 24 May 2013;

(f) A number of videoconference meetings with human rights treaty bodies;

(g) Two civil society forums, on 26 February and 22 May 2013, to provide an opportunity for civil society to contribute to the discussion on strengthening and enhancing the effective functioning of the human rights treaty body system;

(h) Informal informals on 11, 19, 21, 26 and 27 June and 16, 23 and 25 July 2013 to discuss the draft elements for a draft resolution as an outcome of the intergovernmental process.

III. Discussions on themes and non-exhaustive list of issues

8. Following the consultations that took place during the sixty-sixth session, the co-facilitators attempted to continue the positive momentum of the process by organizing three extensive consultations, in February, April and May, on all 32 issues identified in the non-exhaustive list of issues.

9. The co-facilitators attempted to provide Member States with the relevant information on each issue by preparing a number of discussion notes, and the Office of the United Nations High Commissioner for Human Rights prepared two question-and-answer papers in response to questions raised by Member States during these meetings. Additionally, the comprehensive cost paper requested in the report of the co-facilitators was circulated in March 2013.

10. The consultations in February focused on a number of issues related to the functioning of the treaty bodies, such as the simplified reporting procedure, the submission of common core documents, coordinated requests for additional meeting time, page limitations and reductions in the annual reports of treaty bodies, summary records, webcasting and videoconferencing. Additionally, discussions

were initiated on proposals for policies and processes with respect to the nomination and election of experts to the treaty bodies.

11. The consultations in April focused on a number of issues related to State party reporting, such as the constructive dialogue between States parties and treaty bodies, focused treaty body concluding observations, dual chambers, a treaty body jurisprudence database and a joint treaty body working group on communications. Finally, substantial time was dedicated to discussing the importance of improving the capacity of States to report to human rights treaty bodies.

12. The consultations in May focused on the remaining issues to be discussed, namely, the proposal for a master calendar, guidelines for the independence and impartiality of treaty body members, and the resourcing of the treaty body system.

13. On the basis of these consultations, the co-facilitators produced two elements papers: one entitled "The way forward", which will serve as the final report on the process, and another that will serve as the final package resolution of the intergovernmental process. In the draft report, a recommendation follows a short introduction to each issue that is based on the views of the co-facilitators after their consultations with Member States. A number of informal informals and bilateral discussions were convened in June and July to discuss the draft elements for a final resolution. These drafts are annexed to the present report.

IV. Consultations with the human rights treaty bodies

14. The co-facilitators noted that various delegations had underlined the distinct competences as well as experiences of different stakeholders to the furtherance of the issue, and hence had called for the participation of those stakeholders, in particular the experts of the human rights treaty bodies. Responding to this, the co-facilitators invited the treaty body experts to act as resource persons during the consultations in February, April and May. Owing to the limited resources available to the co-facilitators, their participation could not be financially supported. However, a number of experts from various committees were able to participate in the meetings and provided valuable insights for delegations.

15. In an effort to consult the treaty body experts to the extent possible, the co-facilitators asked for meetings with a number of committees during their sessions in Geneva. These interactions were facilitated through videoconferences between New York and Geneva.

16. The co-facilitators also travelled to Geneva on 17 April 2013 in order to hold informal briefings and meetings with delegations, human rights treaty bodies and civil society on 18 and 19 April.

17. Finally, the co-facilitators suggested to the Chairs that their annual meeting would be held in New York in May to provide an opportunity for both the co-facilitators and Member States to discuss the ongoing process. The co-facilitators met with the Chairs on 20 and 24 May and with Member States on 21 May in an open meeting. Additionally, the chairs met a number of delegations bilaterally.

18. The co-facilitators would like to extend their gratitude to all of the treaty body experts who either met with the co-facilitators in Geneva or New York or supported

the consultations in New York. These interactions proved invaluable for the advancement of the intergovernmental process.

V. Consultations with civil society

19. Two civil society forums were organized in the context of the intergovernmental process, held on 26 February and 22 May 2013. These forums were intended to provide a platform and give an opportunity to civil society to contribute to the discussion in the intergovernmental process.

20. The forums utilized videoconferencing to garner more participants from venues in New York and Geneva. At these meetings various views and concerns were conveyed by representatives of civil society organizations, on both procedural and substantive issues.

21. The co-facilitators also travelled to Geneva on 17 April 2013 in order to hold informal briefings and meetings with delegations, human rights treaty bodies and civil society on 18 and 19 April.

VI. Next steps for the intergovernmental process

22. Significant progress was made during the sixty-seventh session of the General Assembly towards identifying concrete and sustainable measures needed to strengthen and enhance the effective functioning of the human rights treaty body system.

23. On the basis of their consultations, the co-facilitators produced two elements papers: one entitled "The way forward", which will serve as the final report on the process, and another that will serve as the final package resolution of the intergovernmental process. These drafts are annexed to the present report.

24. Further time is, however, required to finalize the outcome. In particular, fixed estimates of the budgetary implications of the elements suggested in the context of the intergovernmental process are required to provide a comprehensive overview of the impact of these suggestions.

25. It is the view of the co-facilitators that once this information has been provided the intergovernmental process could be concluded through a final phase of concentrated negotiations among Member States. The co-facilitators therefore recommend that:

(a) A report of the Secretary-General be requested on the practical and financial implications of measures proposed in the context of the intergovernmental process, to be submitted by 15 November 2013;

(b) The intergovernmental process be extended until February 2014;

(c) The final phase of negotiations be convened in early February 2014.

Annex I

Draft elements of the co-facilitators for a resolution

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights[a] and relevant international human rights instruments,

Recalling the obligations of States parties under international human rights treaties, including those relevant to the functioning of the human rights treaty bodies,

Recalling also Economic and Social Council resolution 1985/17 of 28 May 1985,

Recalling further its resolution 66/254 of 23 February 2012, by which it launched the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, and its resolution 66/295 of 17 September 2012, by which it extended the intergovernmental process,

Recalling its relevant resolutions on individual human rights treaty bodies,

Reaffirming that the full and effective implementation of international human rights instruments by States parties is of major importance to the efforts of the United Nations to promote universal respect for and observance of human rights and fundamental freedoms, and that the effective functioning of the human rights treaty body system is indispensable for the full and effective implementation of such instruments,

Recognizing the important, valuable and unique role and contribution of each of the human rights treaty bodies to the promotion and protection of human rights and fundamental freedoms, including through examination of the progress made by States parties to respective human rights treaties in fulfilling their relevant obligations and by providing recommendations to such States on their implementation,

Reaffirming the importance of the independence of the human rights treaty bodies,

Recognizing the importance of providing, under the existing procedures of the General Assembly, adequate funding to the human rights treaty body system from the regular budget of the United Nations,

Recognizing also the importance of continued efforts to improve the efficiency of the working methods of the human rights treaty body system,

Recognizing further that reporting to the relevant human rights treaty bodies is a legal obligation in accordance with the relevant treaty provisions, and noting the need to increase the level of compliance in this regard,

Recognizing the importance of capacity-building for States parties to ensure full and effective compliance with the human rights treaties,

[a] Resolution 217 A (III).

Taking note of the reports of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the human rights treaty body system,[b]

Noting with appreciation the initiative and efforts of the United Nations High Commissioner for Human Rights, in the form of a multi-stakeholder consultation approach for reflecting on how to streamline and strengthen the treaty body system,

Noting that the multi-stakeholder approach consisted of a number of meetings involving representatives of Member States, treaty bodies, national human rights institutions, non-governmental organizations and academia, including events hosted by a number of Member States,

Taking note of the report of the United Nations High Commissioner for Human Rights on strengthening the United Nations human rights treaty body system,[c] which contains recommendations addressed to different stakeholders,

Taking note also of the report of the co-facilitators on the open-ended intergovernmental process on how to strengthen and enhance the effective functioning of the human rights treaty body system,[d]

Expressing appreciation for the efforts of the President of the General Assembly and the co-facilitators in the framework of the intergovernmental process,

Noting the participation and contributions from Member States during the intergovernmental process, as well as experts of the human rights treaty bodies, national human rights institutions, the Office of the High Commissioner and non-governmental organizations,

Emphasizing that strengthening and enhancing the effective functioning of the human rights treaty body system is a common goal shared by stakeholders who have different legal competencies in accordance with the Charter of the United Nations and international human rights instruments establishing treaty bodies, and recognizing in this regard the ongoing efforts of different treaty bodies towards strengthening and enhancing their effective functioning,

1. *Encourages* the human rights treaty bodies to offer the simplified reporting procedure and to set a limit on the number of the questions included, such as through a model simplified reporting procedure questionnaire, and encourages States parties to consider accepting and using the simplified reporting procedure to facilitate the preparation of their reports and the interactive dialogue on the implementation of their treaty obligations;

2. *Encourages* States parties to consider submitting a common core document and to update it as required through a comprehensive update and if feasible, in the form of an addendum to the original document;

3. *Decides*, without prejudice to the formulation of the annual report of each treaty body as laid out in the respective treaty, that the annual reports of treaty bodies shall not reproduce documents published separately and referenced therein;

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[b] A/66/344 and A/HRC/19/28.

[c] See A/66/860.

[d] See A/67/995.

4. *Encourages* the treaty bodies to adopt an aligned methodology for the constructive dialogue between States parties and the treaty bodies, bearing in mind the specificity of the respective committees and their specific mandates, with a view to making the dialogue more effective, maximizing the use of the time available and allowing for a more interactive and productive dialogue with States parties;

5. *Also encourages* the treaty bodies to adopt short, focused and concrete concluding observations, and, to this end, further encourages them to develop common guidelines for the elaboration of such concluding observations, bearing in mind the specificity of the respective committees and their specific mandates as well as the views of States parties;

6. *Recommends* that States parties consider strengthening their meetings, and also recommends the more efficient and effective use of such meetings, including by proposing and organizing discussions on matters falling under the competence of States parties regarding the implementation of each treaty;

7. *Strongly condemns* acts of intimidation and reprisals towards those who contribute to the work of the human rights treaty bodies, and reaffirms that no individual or organization should suffer intimidation and reprisals;

8. *Encourages* the human rights treaty bodies to continue to enhance their efforts towards achieving greater efficiency, transparency, effectiveness and harmonization through their working methods, and in this regard, encourages the treaty bodies to continue to review good practices regarding the application of rules of procedure and methods of work in their ongoing efforts towards strengthening and enhancing their effective functioning;

9. *Encourages* States parties to continue their efforts to nominate experts of recognized competence and experience in the field covered by the relevant treaty and, as needed, to consider adopting national policies or processes with respect to the nomination of experts as candidates for treaty bodies;

10. *Recommends* that the Economic and Social Council consider replacing the existing procedure for the election of experts to the Committee on Economic, Social and Cultural Rights, as set forth in Council resolution 1985/17 of 28 May 1985, with a meeting of States parties to the International Covenant on Economic, Social and Cultural Rights;

11. *Requests* the Office of the United Nations High Commissioner for Human Rights to include in the documentation prepared for elections of treaty body members at meetings of States parties, an information note on the current situation with respect to the composition of the treaty body, reflecting the balance in terms of geographical distribution and gender representation, professional background, different legal systems and tenure of current members;

12. *Encourages* States parties to consider, during the election of treaty body experts, equitable geographical distribution, representation of the different forms of civilization and the principal legal systems, balanced gender representation and the participation of experts with disabilities, as stipulated in the relevant human rights instruments;

13. *Encourages* the treaty bodies to develop an aligned consultation process for the elaboration of general comments that provides for consultations with all stakeholders on new general comments;

14. *Decides*, in line with established practice with respect to other United Nations documentation, to establish page limits for all documentation produced by the treaty bodies, such as individual communications, lists of issues, concluding observations, annual reports, general comments, decisions and views;

15. *Also decides* to establish page limits for all State party documentation, submitted to the treaty body system, including State party reports, for initial reports (60 pages), subsequent periodic reports (40 pages) and common core documents (80 pages), as endorsed by the treaty bodies;[c]

16. *Further decides* that States parties may opt out of the page limits for an individual report through a formal letter to the committee concerned;

17. *Requests* the Office of the High Commissioner to support States parties in building their capacity to comply with their treaty obligations, through the provision of advisory services, technical assistance and capacity-building, in line with its mandate, by:

(a) Deploying dedicated human rights capacity-building officers in every regional office of the Office of the High Commissioner;

(b) Strengthening relevant regional human rights mechanisms within regional organizations to provide technical assistance to States for reporting to treaty bodies through the training of trainers;

(c) Developing a roster of experts on treaty body reporting;

(d) Providing direct assistance to States parties at the national level upon request, by building institutional capacity for reporting and strengthening technical knowledge through ad hoc training on reporting guidelines at the national level;

(e) Developing improved tools to support reporting;

18. *Requests* the Secretary-General to strengthen the capacity of the Office of the High Commissioner to support States parties to increase compliance with reporting obligations, including by providing the necessary staff for the coordination of capacity-building and the necessary technical support assistance to States parties, funded from the regular budget;

19. *Encourages* the Office of the High Commissioner to work with the United Nations agencies and United Nations country teams, in line with their respective mandates, to engage States parties, at their request, with a view to the fulfilment of their reporting obligations under human rights treaties, through:

(a) The provision of advisory services, technical assistance and capacity-building to States parties for the preparation of reports to treaty bodies as well as for the implementation of the concluding observations and recommendations of treaty bodies;

(b) The development of programmatic responses, in close coordination with the relevant States parties, to support the implementation of treaty body recommendations;

20. *Underlines* the need to provide further support to States parties, including through the United Nations Voluntary Fund for Technical Cooperation in the Field

[c] See HRI/MC/2006/3 and Corr.1.

of Human Rights and in conjunction with the provision of technical assistance, with a focus on measures building sustainable capacity in their activities to comply with their obligations under the treaties, and encourages all Member States to contribute to the Fund;

21. *Recognizes* that some States parties consider that they would benefit from improved coordination of reporting at the national level, and requests the Office of the High Commissioner to include relevant technical assistance in this regard at the request of a State party, based on best practices;

22. *Decides in principle*, with the aim of enhancing the accessibility and visibility of treaty bodies and in line with the report of the Committee on Information on its thirty-fifth session,[f] to establish webcasting, as soon as feasible, of the public meetings of the treaty bodies, and requests the Department of Public Information to report on the feasibility of providing, in all of the official languages of the United Nations provided for in the respective committees, live webcasts and video archives of relevant meetings of the human rights treaty bodies;

23. *Requests* the Office of the High Commissioner, with the assistance of United Nations country teams as appropriate and through their existing videoconference facilities, to provide, at the request of a State party, the opportunity for members of its official delegation not present at the meeting to participate in the consideration of that State party's report by means of videoconference, in order to facilitate wider participation in the dialogue;

24. *Decides*, as a transitional measure and with a view to providing through alternative methods verbatim records of the meetings of the treaty bodies in the languages provided for in the committee, to issue summary records in one of the working languages and not to translate the pending backlog of summary records, taking into account that these measures will not be seen as a precedent, given the special nature of the treaty bodies;

25. *Also decides* that, during this transitional period, a summary record of the meeting of a State party with a treaty body, at the request of the State party concerned, could be translated into the official language used by the State party;

26. *Further decides* that the treaty bodies may meet in dual chambers as an exceptional and temporary measure when necessitated by the workload of the committee, within the resources allocated by the General Assembly, and reaffirms its view that it is the responsibility of the Chair of each committee to ensure balance between the chambers with regard to geographical and gender balance, as well as the professional background of the experts;

27. *Requests* that any savings to the United Nations regular budget realized as a result of the measures set out in the present resolution be proposed by the Secretary-General for allocation to the work of the treaty bodies in order to offset the additional costs incurred under the present resolution;

28. *Decides* that the allocation of meeting time and correspondent services shall be guided by the number of ratifications of the respective human rights instruments in a way that provides for a full review of reporting obligations of States parties under the treaties over a period of 6 years and allows for the

[f] A/68/21.

consideration of individual communications after a reasonable delay, under the assumption that each committee will consider at least two and a half reports per week;

29. *Also decides*, on the basis of the principle set out above and as from 1 January 2014, to authorize:

(a) Nine weeks of total meeting time for the Committee on the Rights of Persons with Disabilities;

(b) Eleven weeks of total meeting time for the Committee against Torture;

(c) Twelve weeks of total meeting time for the Committee on the Elimination of Racial Discrimination;

(d) Eleven weeks of total meeting time for the Committee on Economic, Social and Cultural Rights;

(e) Fifteen weeks of total meeting time for the Committee on the Rights of the Child;

(f) Fourteen weeks of total meeting time for the Committee on the Elimination of Discrimination against Women;

(g) Thirteen weeks of total meeting time for the Human Rights Committee;

30. *Further decides* to strengthen the capacity of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in line with the increased membership and ratifications of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[g] by, in the short term, allocating the appropriate secretarial support to the Subcommittee;

31. *Requests* the Secretary-General to present to the General Assembly, on a biennial basis, a comprehensive report on the status of the treaty body system and the progress achieved by the treaty bodies in achieving greater efficiency and effectiveness in their working methods, including the number of reports submitted and reviewed per Committee, the visits undertaken where applicable, the individual communications received and reviewed where applicable, the state of the backlog, capacity-building efforts and results achieved in the light of the targets set, as well as the situation in terms of ratifications, and the possible additional meeting time;

32. *Also requests* the Secretary-General to take into account the meeting time needed for the increased capacity of States parties to submit reports under the respective human rights instruments, the situation in terms of ratifications, and the number of individual communications submitted, in his future programme planning submissions for the human rights treaty body system, including the specific requirements for the Subcommittee on Prevention of Torture;

33. *Further requests* the Secretary-General to ensure the progressive implementation of relevant accessibility standards with regard to the treaty body system, as appropriate, in particular within the framework of a capital master plan for the United Nations Office at Geneva, and provide reasonable accommodation for treaty body experts with disabilities to ensure their full and effective participation;

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[g] United Nations, *Treaty Series*, vol. 2375, No. 24841.

34. *Decides* to provide for the translation of the reports of States parties, lists of issues, the concluding observations of committees, individual communications and views on communications into two additional official languages, as determined by each treaty body, in addition to the language of submission and to provide translation into an official language at the request of the State party concerned, taking into account that these measures will not be seen as a precedent, given the special nature of the treaty bodies;

35. *Also decides* to allocate a maximum of three working languages for the work of the treaty bodies, with a fourth official language provided for an exceptional basis, as determined by the committee concerned, taking into account that these measures will not be seen as a precedent, given the special nature of the treaty bodies;

36. *Requests* the Office of the High Commissioner to improve the efficiency of the current arrangement with regard to the travel of treaty body experts in line with section VI of resolution 67/254, and decides that the standard of accommodation of the treaty bodies should be in line with the rules governing travel of staff members of the United Nations, while daily subsistence allowance should continue to be provided in line with the Secretary-General's bulletin on rules governing payment of travel expenses and subsistence allowances in respect of members of organs or subsidiary organs of the United Nations;[h]

37. *Decides*, as an exceptional measure, and with a view to achieving greater compliance with reporting obligations by States parties and eliminating the current backlog of reports, that States parties should, as applicable and with the agreement of the relevant treaty body, submit one combined report which shall be deemed to satisfy the reporting obligations of that State party to the relevant treaty body for the entire time period for which reports to that treaty body are currently outstanding at the time of the adoption of the present resolution;

38. *Also decides*, as an exceptional measure, and with a view to achieving greater compliance with reporting obligations by States parties and eliminating the current backlog of reports, that, without prejudice to the existing practices of the human rights treaty bodies or to the right of a State party to provide, or a treaty body to request, a short addendum for the purpose of reflecting significant and relevant recent national developments, all State party reports which, as at the date of the present resolution, have been submitted and are awaiting consideration by a treaty body shall be deemed to satisfy the reporting obligation of the State party concerned to the relevant treaty body in respect of its next due report at the date of the present resolution and will be subsumed under the next scheduled review;

39. *Invites* the human rights treaty bodies to continue to work to increase coordination and predictability in the reporting process;

40. *Requests* the Secretary-General to report to the General Assembly by its sixty-ninth session on the advancements made in increasing predictability and the feasibility of establishing a calendar for reporting and how such a calendar could be put into place in the near future, as a subsequent stage of the treaty body system strengthening process;

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[h] ST/SGB/107/Rev.6.

41. *Reaffirms* the importance of the independence and impartiality of members of the human rights treaty bodies, underlines the importance of all stakeholders of the treaty body system respecting fully the independence of treaty body members and the importance of avoiding any act that would interfere with the exercise of their functions;

42. *Takes note* of the adoption, at the twenty-fourth annual meeting of the Chairs of the human rights treaty bodies, held in Addis Ababa in June 2012, of the guidelines on the independence and impartiality of members of the human rights treaty bodies ("the Addis Ababa guidelines"),[1] which are aimed at ensuring objectivity, impartiality and accountability within the treaty body system, in full respect for the independence of the treaty bodies, and in this regard encourages the treaty bodies to implement these guidelines in accordance with their mandates;

43. *Encourages* the treaty bodies to continue to consider and review the Addis Ababa guidelines and take into account the views of States parties and other stakeholders on their development;

44. *Encourages* the human rights treaty bodies, with a view to accelerating the harmonization of the treaty body system, to continue to enhance the role of their Chairs in relation to procedural matters, including with respect to formulating conclusions on issues related to working methods and procedural matters, promptly generalizing good practices and methodologies among all treaty bodies, ensuring coherence across the treaty bodies and standardizing working methods;

45. *Encourages* the human rights treaty bodies to strengthen the possibilities for interaction during the annual meetings of the Chairs of the treaty bodies with States parties to all human rights treaties held in Geneva and New York, with a view to ensuring a forum for an open and formal interactive dialogue in which all issues of concern may be raised by States parties in a constructive manner;

46. *Decides* to consider the status of the treaty body system no later than six years from the date of the adoption of the present resolution, in order to ensure the sustainability of the measures taken.

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[1] A/67/222, annex I.

Annex II

Draft final report of the co-facilitators: the way forward

Overview of issues

1. Simplified reporting procedure (list of issues)
2. Submission of common core documents and regular updates
3. Coordinated requests for additional resources
4. Reduction in annual reports of treaty bodies
5. Aligned methodology for constructive dialogue between States parties and treaty bodies
6. Focused treaty body concluding observations
7. Strengthening the meetings of States parties
8. Reprisals
9. Review of good practices regarding the application of rules of procedure and methods of work
10. A standing national reporting and coordination mechanism
11. A handbook on expectations, availability and required workload and a centralized treaty body elections website
12. Nominations and elections of experts to the treaty bodies
13. Other measures to enhance the visibility and accessibility of the treaty body system
14. Friendly settlements
15. Establishment of a treaty body jurisprudence database on individual cases, including information on their follow-up
16. Joint treaty body working group on communications
17. Aligned models of interaction among treaty bodies, national human rights institutions and civil society organizations
18. Aligned consultation process for the elaboration of general comments/general recommendations
19. The treaty bodies' follow-up procedures
20. Adherence to page limitations
21. Enhancing the capacity of the Subcommittee on Prevention of Torture
22. Capacity-building activities relating to reporting
23. Webcasting to enhance the accessibility and visibility of treaty bodies
24. Videoconferencing
25. The reduction of translation of summary records

26. Open public space for all States parties to present their potential candidates or nominees for treaty bodies

27. Further institutionalization of engagement with other United Nations partners

28. Dual chambers

29. Calendars for reporting

30. Resources

31. Guidelines on the independence and impartiality of members of the human rights treaty bodies ("the Addis Ababa guidelines")

32. Strengthening the meetings of the Chairs and their interaction with States parties

Introduction to and overview of the intergovernmental process

Work in progress.

Overview of issues discussed and recommendations

The issues are put forward in no particular order and without prejudice to their importance. The narrative on each reflects the proposal put to the intergovernmental process, not the discussion in the intergovernmental process or the views of Member States. The recommendation of the co-facilitators follows the narrative in which a short reflection on the issue is supported by a recommendation that is based on the views of the co-facilitators after their consultations with Member States.

1. Simplified reporting procedure (list of issues)

The proposal for a simplified and aligned reporting process is a further refinement of what to date has been known as lists of issues prior to reporting. States parties would continue to be required to produce a comprehensive initial report if they opt for a simplified reporting procedure, but it is assumed that the simplified reporting procedure would remain optional. Treaty bodies would seek the agreement of States well in advance of the drafting of the simplified reporting procedure questionnaire, which would be prepared only with the formal agreement of the States concerned.

After the submission of the State party's replies, there would be no need for a further request for additional information, which is traditionally conveyed by most treaty bodies through a list of issues after States' reports have been submitted and before the consideration of its report, hence reducing the documentation and simplifying the reporting process for the committee, the Secretariat and the State party.

Observation/recommendation

It is the view of the co-facilitators that, through its specific requests for information, the simplified reporting procedure questionnaire has the potential to make States parties' reports more focused, requiring less time and effort on the part of States to respond to, and in turn having an impact on the constructive dialogue

and subsequently resulting in concluding observations that are more targeted, precise and implementable.

The idea that the measure should be offered on an optional basis to States parties enjoyed general support, and the co-facilitators believe that all the human rights treaty bodies should be encouraged to offer the simplified reporting procedure to States parties. They should, additionally, be encouraged to set a limit on the number of questions included, such as through a model simplified reporting procedure questionnaire containing a maximum of 25 questions/2,500 words, and focus on areas which the respective treaty body sees as priority issues for consideration in a given country at a given point in time. Documentation processing capacity freed up as a result of this change should be used to improve rates of timely issuance of translated documentation to the treaty bodies.

2. Submission of common core documents and regular updates

It has been proposed that the submission of individual reports to each treaty body be replaced with the optional submission of a common base report that is common to all the treaties, accompanied by the simplified reporting procedure. Reports submitted in accordance with the harmonized guidelines, including common core documents and treaty-specific documents, would enable each treaty body and State party to obtain a complete picture of the implementation of the relevant treaties, set within the wider context of a State's international human rights obligations, and would provide a uniform framework within which each committee, in collaboration with the other treaty bodies, could work.

Recommendation

It is the view of the co-facilitators that States parties should be encouraged to continue the practice of submitting common core documents and to update them regularly in line with the harmonized guidelines. States that accept the simplified reporting procedure should, in particular, be encouraged to keep their common core document up to date.

With respect to smaller updates and when possible, States parties should be encouraged to submit updates to their common core document in the form of an addendum to the original document, as this would imply savings with respect to the processing and translation of such an update (the translation of a few pages of an addendum instead of the translation of a full revised common core document). Documentation processing capacity freed up as a result of this change should be used to improve rates of timely issuance of translated documentation to the treaty bodies.

3. Coordinated requests for additional resources

The first treaty body calendars of meetings were established on the basis of reports received, rather than the total number of reports due in relation to each treaty. This has become the pattern for all the treaty bodies, with the result that any increase in meeting time has to be justified as an exception to the norm through an individual request to the Third Committee, rather than being approved within the parameters of the normal workload of a committee deriving from its treaty mandate.

The current practice fixes the problem in the short term only and will ultimately be far more expensive than implementing a structured proposal. The idea of addressing requests for adjustments of committee meeting time in a single, comprehensive annual or biennial request would introduce an element of flexibility into the current arrangement, allowing the treaty bodies to request an allocation of meeting time for each biennium based on the actual backlog of reports pending and projected rates of reporting by States. The aim would be to allow sufficient meeting time to be allocated in each biennium to prevent backlogs from becoming unmanageable. It would allow the long-term management of the workload in accordance with fluctuations in the receipt of reports and individual communications. For each biennium, the situation would need to be reassessed within the context of the regular budget submission. It would eliminate the ad hoc nature of the current requests for additional meeting time, making them a permanent feature of the budget-setting process.

Recommendation

See recommendation No. 30 on resources.

4. Reduction in annual reports of treaty bodies

Documentation requiring translation could be further reduced if the volume of the annual reports were reduced from the estimated 500 pages per committee, in which all separately processed concluding observations and other adopted text are currently reproduced, to a purely procedural report which would include only a reference to those documents, not the actual texts.

Recommendation

It is the view of the co-facilitators that a purely procedural report should be produced which would include only a reference to the relevant documents, not the actual texts of already published documents. This should not preclude the publication of decisions and information not produced elsewhere, such as decisions on changes in the working methods of the treaty body concerned, or as required under the treaty itself. Documentation processing capacity freed up as a result of this change should be used to improve rates of timely issuance of translated documentation to the treaty bodies.

5. Aligned methodology for constructive dialogue between States parties and treaty bodies

The proposal is that treaty bodies adopt an aligned methodology, in the form of written guidelines, for the constructive dialogue between States parties and treaty bodies to maximize the use of the time available and allow for a more interactive and productive dialogue with States parties. Significant variations currently exist with regard to the methodology applied by the respective treaty bodies in the conduct of the constructive dialogue with States parties.

Recommendation

It is the view of the co-facilitators that the treaty bodies should be encouraged to adopt an aligned methodology for the constructive dialogue between States parties and treaty bodies, bearing in mind the variations among the committees.

Such guidelines could contain the following elements:

- The allocation of an average of two meetings (six hours) for the interactive dialogue with a State. The two sessions could be held on two consecutive days;
- The establishment of country task forces (taking geographical and gender balance into account, as well as the professional background of experts) or country rapporteurs for the examination of State party reports which would prepare for the dialogue with a State party, including through prior consultation among committee members;
- Questions to be clustered by themes;
- Strict limitation on the number of interventions, as well as on their length through the use of a speech timer;
- The dialogue for periodic reports could focus only on the most significant human rights issues and the follow-up given by States parties to the previous concluding observations;
- Enhancement of the prior communication between the State party and the treaty body to facilitate the dialogue;
- Chairs should continue to exercise their power to lead the dialogue effectively, including ensuring a balanced exchange between treaty body members and the State party delegation.

6. Focused treaty body concluding observations

The proposal is that treaty bodies be encouraged to formulate concluding observations containing concrete and achievable recommendations. There is a strong need to focus on priority concerns, and to make concluding observations more user-friendly for States parties as well as for all other stakeholders. At the country level, short, focused and concrete concluding observations can be more easily translated into concrete legislative, policy, programmatic and institutional improvements and facilitate national implementation.

Recommendation

It is the view of the co-facilitators that the treaty bodies should be encouraged to adopt more focused treaty body concluding observations and, to this end, set up common guidelines, bearing in mind the variations among the committees.

The guidelines for focused conclusions could contain the following elements:

- The length of concluding observations should be reduced to achieve greater efficiency and impact. The word limit for in-session translations (3,300 words/six pages) could be used as guidance;
- The number of recommendations made in the concluding observations should be reduced to a maximum of 20 recommendations/2,500 words, and these should be focused on priorities.
- Concluding observations should be country-specific and targeted. Previous concluding observations should be the point of departure of each new reporting cycle;

- Concluding observations should reflect the issues raised by the treaty body concerned during the constructive dialogue;
- Recommendations for which implementation cannot be assessed should be avoided; instead, concrete guidance should be given regarding the steps needed to be taken to implement treaty obligations;
- Concluding observations should be divided between immediate and longer-term priority issues, based on a balance between urgency and the feasibility of addressing the different issues.

7. Strengthening the meetings of States parties

The proposal is that the dialogue of States parties at the regular meeting of States parties be strengthened, for example, through the inclusion of a regular agenda item on those issues that affect the full and effective implementation of the treaty. The Convention on the Rights of Persons with Disabilities is the only treaty that explicitly lays out the continued role of its States parties. The meetings of States parties could be strengthened further and provide for discussions on matters falling under the purview of the treaty provisions. States parties could discuss the state of implementation of the respective treaty, for example, through a discussion on good practices, thematic discussions, etc. The meetings could also offer an opportunity for an exchange of views between treaty body experts — for example, the Chair and Vice-Chair — and States parties.

Recommendation

It is the view of the co-facilitators that the meetings of States parties should be strengthened. This should be done by using existing resources such as through the current biennial meeting of States parties that takes place for the purpose of electing treaty body experts.

Discussions could be held on issues under the purview of States parties on such issues as the reporting obligation of States parties, relevant best practices and a question-and-answer session with members of the respective committee or the Chair of the committee.

8. Reprisals

Treaty bodies have been called upon to take all measures necessary to prevent reprisals against human rights defenders, victims and witnesses and to take appropriate action to provide remedies. Treaty bodies do not have a harmonized approach on this important issue, and the proposal is that it be addressed in a consistent manner through a coordinated approach.

In order to safeguard the interaction of all stakeholders with the treaty bodies and ensure protection in case of reprisals against human rights defenders, the proposal is that each treaty body appoint a focal point among its membership to draw attention to such cases.

Observation/recommendation

It is the view of the co-facilitators that there was general agreement among Member States that no individual or organization should suffer reprisals. The treaty

bodies and the Office of the United Nations High Commissioner for Human Rights (OHCHR) should take measures to address reprisals consistently within their respective mandates.

9. Review of good practices regarding the application of rules of procedure and methods of work

With more communications procedures being established, a review of good practices could be undertaken, which could be of use in relation to the working methods used in dealing with individual communications. The idea would be to present common written guidelines on procedural matters related to the handling of individual communications and the conduct of inquiries for all treaty bodies with a complaint procedure. This idea was supported at the experts' meeting on petitions held in October 2011. A common approach to inquiry procedures could greatly assist treaty bodies, States parties and other actors in effectively dealing with the issues arising from them, as well as provide consistency and legal certainty in the handling by treaty bodies of procedural issues related to individual communications and inquiries.

Recommendation

It is the view of the co-facilitators that the treaty bodies should continue to be encouraged to keep their working methods under review with a view to exploring ways to make them as coherent as possible in order to facilitate State party reporting and response to individual communications. Reviews of good practices could therefore be undertaken, which could be of use in relation to improving the working methods of the different treaty bodies. This should, however, not be done exclusively for individual communications and should take into account the different legal provisions of the treaties.

10. A standing national reporting and coordination mechanism

The growth of the treaty body system and the establishment of the universal periodic review mechanism in 2008 have led to an exponential growth in the number of reports to be submitted and the number of recommendations to be implemented by States parties. In order to address these challenges, some States have established a permanent mechanism to lead, coordinate, consult on and monitor the implementation of recommendations from treaty bodies and other human rights mechanisms and to prepare their periodic reports. Further, some States have given the mechanism a basis in law, to ensure continuity and stability and to oblige the active cooperation of all relevant government ministries. Many others, however, continue to rely on ad hoc committees that are disbanded after the submission of the report(s) that they were established to prepare.

The proposal is that States parties be encouraged to establish or reinforce a standing national reporting and coordination mechanism, aimed at facilitating both timely reporting and improved coordination in follow-up to treaty bodies' recommendations and decisions. Standing national reporting and coordination mechanisms could deal with reporting to all United Nations human rights mechanisms with the objective of achieving efficiency, coordination, coherence and synergies at the national level. In addition, the standing national reporting and coordination mechanism could further analyse and cluster recommendations from

all human rights mechanisms, thematically and/or operationally (according to the institution(s) responsible for implementing them), identify relevant actors involved in the implementation of the recommendations and guide them throughout the process.

Observation/recommendation

It is the view of the co-facilitators that owing to the various needs and country situations of States parties, a single, unified model of a standing national reporting and coordination mechanism would not be feasible or practical. However, the benefit of a more coordinated approach to reporting adjusted to the specific needs of the State has been demonstrated by a number of Member States during our discussions.

It is therefore the view of the co-facilitators that technical assistance should be provided to States parties that request such assistance in the establishment of such a reporting and coordination mechanism at the national level. In the same way, the Office of the High Commissioner could disseminate best practices of States parties on such mechanisms to inform States parties on how such mechanisms can assist with reporting in different contexts.

11. A handbook on expectations, availability and required workload and a centralized treaty body elections website

OHCHR stands ready to develop a handbook setting out established facts and information on the elections process, conditions and other relevant requirements pertaining to membership in treaty bodies. It would highlight practical expectations and workloads for treaty body experts. This handbook would also contain all essential practical information relating to the discharge of their functions and mandate for members of treaty bodies, such as procedures, working methods, and entitlements and expectations of members.

A handbook on expectations, availability and required workload of treaty body members could be made available to States parties and all interested potential candidates prior to the national nomination process and the subsequent elections through a centralized and user-friendly OHCHR treaty body elections webpage. Such a webpage would provide practical information on vacancies in the treaty bodies, forthcoming elections and candidates who have been nominated.

Recommendation

See recommendation No. 12, on elections.

12. Nominations and elections of experts to the treaty bodies

A number of ideas have been presented on how to improve the process of the nomination and election of experts to the treaty bodies, including national initiatives to ensure transparency and the nomination of highly qualified experts, the election process and terms for treaty body experts. These ideas include:

(a) Adopting national policies and processes with respect to the nomination of experts as candidates for treaty body membership. It has been suggested that such national policies include:

(i) Nominating candidates through an open and transparent selection process from among persons who have a proven record of expertise in the relevant area;

(ii) Avoiding nomination or election of experts while they hold positions that might expose them to pressures or conflicts of interest;

(b) Limiting the terms of service of experts to a reasonable number of terms for a respective committee, bearing in mind that the most recent treaties allow a maximum of two terms;

(c) Achieving more diverse committees through the setting of geographical, gender and background quotas for members, as in United Nations models that allocate seats to the five regional groups.

The provisions of the treaties vary with regard to the qualifications expected of nominees. Nominees must be nationals of a State party to the respective treaty, but members of all treaty bodies serve in their personal capacity. The treaties also set out criteria to guide States parties when voting for members. In all cases, consideration must be given to equitable geographical distribution. All treaties restrict nominations to one nominee per State party except the International Covenant Civil and Political Rights, which allows two nominations per State but states that the Committee may not include more than one national of the same State. The treaties also set out additional considerations to be taken into account in electing treaty body members, including representation of the principal legal systems. No treaty in force explicitly requires "gender balance" with regard to the election of experts, and no quota system is in operation for any of the treaty bodies to address gender balance.

Recommendation

It is the view of the co-facilitators that the process of the nomination and election of experts could be further improved, as follows:

(i) Member States could be encouraged to continue to select highly qualified experts and, as needed, consider adopting national policies or processes with respect to the nomination of experts as candidates for treaty body membership;

(ii) OHCHR should prepare an information note containing information on practical issues including with regard to the duties of members. When elections are coming up, this note should be distributed to all States that have the authority to nominate candidates as well as potential candidates. It should also be made publicly available;

(iii) Information should be provided by the secretariat before each election on the current composition of the respective committee. This information should include the current distribution of experts according to region, gender and professional background. Additionally, it should provide information on the years of service of experts;

(iv) The current form of the election of experts to the Committee on Economic, Social and Cultural Rights by the Economic and Social Council should be reconsidered, as it could potentially allow non-States parties to elect experts. The election of experts to the Committee should take place at a meeting of States parties.

13. Other measures to enhance the visibility and accessibility of the treaty body system

The proposal is that a designated communications officer be established to design a media and communication strategy with a view to increasing the visibility and promoting an enhanced profile of the treaty bodies, better dissemination of the treaty bodies' outputs and improved transparency and increased predictability, which would allow for easier access to treaty body information, including for persons with disabilities, and therefore greater engagement and interaction between States and other stakeholders and the treaty bodies.

Recommendation

It is the view of the co-facilitators that the Office of the United Nations High Commissioner for Human Rights should undertake measures to enhance the visibility and accessibility of the treaty body system. This should, however, be done using its existing communication strategy, in line with its mandate and the role of the treaty bodies and within existing resources. It is therefore the view of the co-facilitators that the issue does not require further discussion within the intergovernmental process.

14. Friendly settlements

At a meeting of experts on petitions held in October 2011, experts noted the lack of established practice on the facilitation of amicable and effective solutions ("friendly settlements") by the treaty bodies. Experts suggested that treaty bodies consider providing space for friendly settlements within the individual communications procedures so as to avoid contradictory procedures before the treaty bodies and to promote the reaching of friendly settlements. Of all treaty-body-based individual communications procedures, only the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict provide for the possibility of friendly settlements. In practice, other treaty bodies may suspend the consideration of an individual communication if the parties are engaged in a friendly settlement process.

Recommendation

It is the view of the co-facilitators that the treaty bodies should not be encouraged to consider providing space for friendly settlements. This is because all domestic remedies should be exhausted before an individual communication can be considered by a treaty body that accepts individual communications, including friendly settlements. Additionally, there was no general agreement among Member States on how such a mechanism for friendly settlements could be put into place. It is therefore the view of the co-facilitators that the issue does not require further discussion within the intergovernmental process.

15. Establishment of a treaty body jurisprudence database on individual cases, including information on their follow-up

At the experts' meeting on petitions held in October 2011, experts underlined the need for a well-functioning jurisprudence database on individual cases. Since June 2010, OHCHR has made progress on the development of such a database. The

database would allow for greater accessibility of treaty body jurisprudence on individual cases for treaty body members, States parties, civil society, academics and other stakeholders. It is being developed on the same platform as the Universal Human Rights Index.

The proposal is for the establishment of a well-functioning and up-to-date treaty body jurisprudence database on individual cases, searchable in all six official United Nations languages, and for the redesigning of the OHCHR webpages on the individual complaint procedures of the treaty bodies to make them more accessible.

Observation/recommendation

There was no general agreement among Member States on a jurisprudence database on individual cases and how such a database should be structured or funded. Some Member States questioned the legal basis of the database, while others highlighted its importance for improving access to the complaint procedures. It is therefore the view of the co-facilitators that the issue does not require further discussion within the intergovernmental process.

16. A joint treaty body working group on communications

The Committee on the Elimination of Racial Discrimination, in its letter of 9 March 2012, proposed the creation of a joint treaty body working group on communications, composed of experts of different treaty bodies. Currently, two treaty bodies (the Human Rights Committee and the Committee on the Elimination of Discrimination against Women) have between them a total of five weeks of dedicated meeting time annually to discuss individual cases and make recommendations for adoption to the plenary. The Committee against Torture, the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of Racial Discrimination deal with individual communications within their plenary meetings, as will Committee on Enforced Disappearances, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights when communications start arriving. With the multiplication of individual communications procedures, there is an increased need for coherence in treaty bodies' jurisprudence within the dictates of their treaty body mandates.

Observation/recommendation

It is the view of the co-facilitators that this proposal poses a number of legal and practical questions with regard to the handling of individual communications by each committee. Additionally, there was no general agreement among Member States on the establishment of a joint treaty body working group on communications. It is therefore the view of the co-facilitators that the issue does not require further discussion within the intergovernmental process.

17. Aligned models of interaction among treaty bodies, national human rights institutions and civil society organizations

National actors, such as national human rights institutions and civil society organizations, can play an integral role in the cyclical engagement with the treaty body reporting process by providing information, creating awareness and following up on the implementation of recommendations. However, the effective engagement of national human rights institutions and civil society organizations with the treaty

body system is hampered by numerous factors, including the fact that each treaty body has different engagement rules. The proposal is for one aligned model of interaction that could contain the following elements:

- Formal meetings with civil society organizations and national human rights institutions could take place during the official public meeting time, scheduled on the first day of the week, regarding the State party reports that might be scheduled for consideration during that week. As these would be formal meetings, the interventions would be officially recorded, interpretation would be provided for and State party representatives could hear the interventions of their countries;
- One-hour private lunchtime briefings, organized by civil society organizations, could be scheduled on the day prior to the consideration of the State party's report. This model is already followed by several committees;
- Civil society organizations and national human rights institutions could be requested to provide coordinated and more focused submissions to the treaty bodies, of a maximum of 10 pages for single reports and 30 pages for joint submissions, in a timely fashion, and to organize their interventions in a coordinated manner, with the understanding that the submissions would not be translated.

Observation/recommendation

It is the view of the co-facilitators that an aligned model of interaction between treaty bodies and national human rights institutions, as well as civil society organizations, would be beneficial for all stakeholders. Such unified engagement should however, not preclude additional efforts by individual committees, such as the Committee on the Rights of Child, which has a well-established mechanism to consult stakeholders, including through the United Nations Children's Fund (UNICEF).

Nevertheless, there was no consensus among Member States on the issue or on how such an aligned model of interaction should be prepared and what it should contain. It is therefore the view of the co-facilitators that the issue does not require further discussion within the intergovernmental process.

18. Aligned consultation process for the elaboration of general comments/ general recommendations

The proposal is that treaty bodies adopt an aligned process of consultation with States parties, United Nations entities, national human rights institutions and civil society organizations during the elaboration of general comments, including requesting them to provide written contributions and/or participation in general days of discussion. All committees have adopted the practice of setting out their views regarding the content of the obligations assumed by States parties in the form of general comments or general recommendations. These have evolved in terms of length and complexity and now constitute detailed and comprehensive commentaries on specific provisions of the treaties and on the relationship between the articles of the treaty and specific themes/issues. By issuing general comments, treaty bodies seek to make the experience gained so far through the examination of States parties' reports and, when relevant to individual communications, available

for the benefit of all States parties, in order to assist and promote their further implementation of the treaties. All treaty bodies regularly seek expert advice outside the committee during the elaboration process. In this regard, committees hold days of general discussion or informal meetings to which States, in most cases, are invited to participate as observers. In some cases, the draft general comment/general recommendation is placed on the website and contributions are sought in writing from all stakeholders.

Recommendation

It is the view of the co-facilitators that an aligned consultation process during the elaboration of general comments would facilitate the input and elaboration of such general comments. Such an aligned consultation process should be made as accessible as possible and could include participation in general days of discussion. In addition, the draft general comment/general recommendation should be placed on the website of the relevant treaty bodies, and contributions should be sought in writing.

19. The treaty bodies' follow-up procedures

All treaty bodies request States parties to provide information on the implementation of the recommendations contained in previous concluding observations in their subsequent reports. Four committees (the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and the Committee on the Elimination of Racial Discrimination) have adopted formal procedures to monitor the implementation of specific recommendations contained in concluding observations between periodic reports. At least one other treaty body is currently considering adopting such a follow-up procedure. Furthermore, at the twelfth inter-committee meeting and the twenty-third meeting of the Chairs of human rights treaty bodies, it was highlighted that with regard to periodic reports, previous concerns and recommendations should be the point of departure for the new concluding observations so as to ensure a clear assessment of the progress made by the State party since the previous review. This constitutes an inherent follow-up mechanism for the treaty bodies in the context of the review of periodic reports.

Similarly, all treaty bodies with a mandate to consider individual communications request follow-up information, within a specified time frame, from the State party concerned in all cases in which a breach of the respective treaty is found. If there is, however, certainty that the next reports will be examined as scheduled, the treaty bodies that regularly use a follow-up procedure will be less compelled to request additional intersessional information. Irrespective of whether a comprehensive calendar is adopted, the follow-up procedures could be simplified and improved. The follow-up to concluding observations as well as individual communications procedures could, at a minimum, be aligned across treaty bodies. Treaty bodies could adopt common guidelines for these procedures.

Recommendation

It is the view of the co-facilitators that efforts should be made, through a comprehensive, long-term solution, to diminish the need for treaty body follow-up by including it, to the extent possible, as a part of the regular review of States.

Previous concerns, questions and recommendations should be the point of departure for a list of issues and the new concluding observations of a State party, so as to ensure a clear assessment of the progress made by the State party since the previous review.

Additionally, efforts should be made towards an aligned approach and common guidelines for more focused and simplified follow-up procedures.

20. Adherence to page limitations

Most United Nations documentation is subject to page limitations to which State party reports submitted to the treaty bodies are currently not subjected. In 2006, the harmonized guidelines on reporting under the international human rights treaties established that "if possible, common core documents should not exceed 60-80 pages, initial treaty-specific documents should not exceed 60 pages, and subsequent periodic documents should be limited to 40 pages". The proposal is that these guidelines be strictly adhered to.

Recommendation

It is the view of the co-facilitators that adherence to limits on the number of pages should be observed by both States parties and the treaty bodies. Limits should therefore be placed on national reports and common core documents in line with the harmonized guidelines on reporting. Additional information could be included in an annex to the national report, which would not be translated. Additionally, limits should be placed on the number of pages for individual communications, lists of issues (as previously proposed, it would be 25 questions/2,500 words), general comments and concluding observations.

However, owing to the differences among States parties, such adherence could not be strictly enforced with regard to their reports. The co-facilitators therefore propose that States parties be able to opt out of the page limits for an individual committee through a formal letter to the committee.

21. Enhancing the capacity of the Subcommittee on Prevention of Torture

The core of the work of the Subcommittee on Prevention of Torture, which distinguishes it from the nine other existing treaty bodies, is to carry out visits to places of deprivation of liberty, in accordance with article 1 of the Optional Protocol to the Convention against Torture. The Subcommittee's core mandate also includes the provision of assistance and advice to the national preventive mechanisms to be established or designated by each State party one year after the entry into force of the Optional Protocol, or its ratification or accession.

Despite the rapid increase in the number of ratifications of and accessions to the Optional Protocol (63 States parties), its increased membership since January 2011 and the related workload, the Subcommittee was able to undertake only three regular field visits in 2011 and three regular visits and three advisory visits related to national preventive mechanisms in 2012. At such a slow pace of visits by the Subcommittee, each State party would receive a regular preventive visit only every 21 years.

Recommendation

It is the view of the co-facilitators that the capacity of the Subcommittee should be strengthened in line with the increased membership and ratification of the Optional Protocol. In the short term, this should be done by allocating the required staff to the Subcommittee. In the long term, however, the information on the resourcing and capacity of the Subcommittee should be included in the single comprehensive biennial request. This is in line with the need to ensure predictability through a common request for all the treaty bodies to allow for the long-term management of their workload.

22. Capacity-building activities relating to reporting

Over 20 requests for reporting on capacity-building activities are positively responded to by OHCHR headquarters on average per year, often in partnership with OHCHR field offices and other United Nations field presences or entities (such as the United Nations Development Programme (UNDP), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), UNICEF or the Department of Peacekeeping Operations). In addition to technical support for national actors in reporting to and cooperating with the human rights treaty body system, a number of OHCHR field presences offer direct assistance to States and other stakeholders on treaty work and cooperation with treaty bodies, including assisting States in their implementation of recommendations.

This is done increasingly in partnership with United Nations country teams and the Resident Coordinator, and more and more in cooperation with regional organizations and the donor community, including development funds. Additionally, OHCHR conducts a number of regional workshops on the follow-up to treaty bodies, special procedures and universal periodic review recommendations. This promotes a coordinated approach to the implementation of recommendations by all the international human rights mechanisms, with the aim of fostering the exchange of good practices and equipping participants with methodological and technical tools to assist them in clustering, prioritizing and integrating recommendations from various United Nations human rights mechanisms into a follow-up strategy at the national level.

Technical assistance has become increasingly complex, owing to the specificities of each of the nine core international human rights treaties and the optional protocols thereto. This requires specialized capacities to be developed and/or strengthened in various ministries and areas of work of State authorities as well as among national human rights institutions, civil society actors and the United Nations, especially United Nations country teams.

The proposal is that OHCHR further refine its capacity-building strategy to assist States parties in a sustainable and effective manner in meeting their reporting obligations. This can be achieved only if it is nationally owned and properly integrated.

Recommendation

It is the view of the co-facilitators that a key element for strengthening the effective functioning of the human rights treaty bodies is that it be accompanied with significantly strengthened capacity-building. It is essential to enable

developing countries and small States with limited human and technical resources to comply with their reporting obligations.

It is the view of the co-facilitators that a comprehensive capacity-building strategy is required to increase the reporting of States parties to the treaty bodies, as well for the effective implementation of recommendations that have been received by States parties. Such a capacity-building strategy should be developed by OHCHR, in cooperation with other relevant United Nations agencies in line with their mandates, such as UNICEF, UN-Women and UNDP. It should be developed on a biennial basis, and information on its implementation should be included in the biennial report to the Third Committee. Such a strategy should be operationalized, for example, by:

- Organizing national, subregional and regional workshops for the responsible government entities preparing the national report of a State party;
- Disseminating best practices and lessons learned as regards the preparation of national reports;
- Training of trainers at the national level and, when resources permit, at the regional level within regional organizations such as the African Union and the Caribbean Community.
- Maintaining international and regional rosters which could be tapped into after receiving a request for capacity-building from a Member State;
- Expanding the engagement of OHCHR in trilateral cooperation for capacity-building and supporting and benefiting from South-South cooperation;
- Increased partnership with the United Nations country teams, the Resident Coordinator or the individual United Nations agencies present in order to ensure the full involvement of all United Nations actors.

For the least-reporting States parties, special measures need to be taken to support their ability to report. To adjust a reporting calendar for these States parties does not as such ensure reporting by the State party concerned. It must also be taken into account that a review without the participation of the State party does not advance the human rights obligations as contained in the respective treaty.

What is needed is dedicated technical assistance to those States parties to assist them with fulfilling their obligations. Such dedicated capacity should put particular emphasis on assisting States parties with their initial reports and those who have not reported for a significant amount of time. Additionally, such technical assistance could entail assisting the State party in having a constructive dialogue in the absence of a periodic report, if the State party is unable to prepare such a report.

Whenever possible and according to funding levels, technical assistance and capacity-building should be within the existing workplans of OHCHR in countries where the Office has a presence and at headquarters (also through the universal periodic review voluntary trust fund to facilitate follow-up on universal periodic review recommendations, including on treaty ratification and reporting). At the same time, it is clear that the increased support of States for the capacity-building activities of the United Nations system, in particular those of OHCHR, is required to

assist States parties in meeting their reporting obligations and support them in the implementation of the treaty bodies' recommendations.

OHCHR must be adequately staffed to support capacity-building strategies, in particular within the treaty body section. To ensure the effective coordination of capacity-building activities, OHCHR requires core staff to manage these activities in a consistent and sustainable way.

It is the view of the co-facilitators that to facilitate implementation and ensure greater access by national stakeholders to the treaty body sessions, a session of the larger treaty bodies should be held on a biennial or triennial basis in New York to facilitate the access of those States parties that are not represented in Geneva. Additionally, on an exceptional basis some treaty body sessions could be held outside Geneva and New York, in different regions. Their schedule could be rearranged with a regional focus as necessary and appropriate. Notwithstanding increased resource requirements, the occasional holding of treaty body meetings in the regions will enhance capacity-building and visibility opportunities.

23. Webcasting to enhance the accessibility and visibility of treaty bodies

Treaty bodies have requested that the United Nations provide webcasting services for all public meetings and videoconferencing technologies to facilitate their work and enhance their impact, including improved access, cooperation and participation, in a similar fashion to the Human Rights Council, which has been webcast since 2006. It has been proposed that all public meetings of the treaty bodies be webcast. This includes the consideration of States parties' reports and days of general discussion, as well as discussions on draft general comments. The current, ad hoc webcast system involves the live streaming of conference proceedings through the Internet to United Nations Headquarters, and session/speaker-by-speaker archiving of the video footage on external servers. Each video clip is added into a content management system for archiving and retrieval. Webcasting is generally provided in the language of the speaker and in English.

Establishing a webcast capacity in Geneva for treaty bodies would involve the installation of cameras, integrated into the audio/interpretation system in meeting rooms, as well as the installation of cabling, computer equipment and software in addition to additional server capacity for archiving. At present there is no standing capacity, in terms of either infrastructure or staffing, to provide this service at the United Nations Office at Geneva, and all webcasting services provided to the Human Rights Council are handled on an ad hoc basis.

Recommendation

It is the view of the co-facilitators that new technologies could offer tremendous opportunities, not only in terms of increased visibility and interaction, but also in terms of impact, ownership and, ultimately, enhanced implementation. Webcasting the treaty bodies' public meetings is supported as a means to enhance the accessibility and visibility of the dialogue between States parties and treaty bodies and create a greater sense of ownership among all stakeholders.

It is therefore recommended that webcasting be provided to the public meetings of the treaty bodies in all languages of the respective committee, in accordance with the report of the Committee on Information on its thirty-fifth

session.[1] This system is currently being tested in New York and, once fully tested, could be implemented for the treaty bodies in Geneva.

The use of closed captioning has been successfully piloted in the Committee on the Rights of Persons with Disabilities. The current capacity is in English only. However, there are new systems being tested that have the possibility of automated captioning in languages in addition to English. The Committee on the Rights of Persons with Disabilities has demonstrated its openness to new technologies, and, once these systems have been tested it could be proposed that the Committee pilot captioning in languages in addition to English.

This should be done with a view to eventually providing closed captioning in all languages provided for in the respective committees and to providing a verbatim record of the meetings that would replace summary records. The status of implementation of this recommendation should be included in the first biennial report referred to in recommendation No. 30, on resources.

24. Videoconferencing

The availability and option of videoconferencing would provide an opportunity for States parties' delegations to have additional representatives from their capitals engage with the treaty bodies and benefit from the expertise and guidance of the experts, thus strengthening the participation of delegations in treaty body sessions. The increased expertise made available in real time could also enhance the ability of States to respond to questions posed by the experts during the consideration of a report and therefore improve the overall quality of the dialogue. Finally, videoconferencing would facilitate the participation of all stakeholders at all stages of the reporting process, thus building increased and sustainable capacity on the part of all to cooperate with the treaty bodies.

Recommendation

It is the view of the co-facilitators that the installation and setting-up of equipment for webcasting should be used to support the availability of videoconferencing at the request of the State party. When appropriate and required, United Nations field offices should facilitate this form of interaction by providing access to their videoconferencing facilities.

25. The reduction of translation of summary records

Summary records are the official records of meetings compiled by précis-writers dispatched by conference management. Summary records are not verbatim records, but a condensed version of meeting proceedings. Treaty bodies currently have slightly different practices with regard to their entitlement to and use of summary records. While summary records should be translated into all six official United Nations languages, the limited resources available have resulted in significant backlogs in translation. There are also audio recordings of proceedings.

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[1] A/68/21, draft resolution B, sect. IV, para. 64.

Recommendation

It is the view of the co-facilitators that the established practice of the Committee on the Elimination of Discrimination against Women since 2007 should be followed by all treaty bodies and that summary records should, accordingly, be issued in one of the working languages of the United Nations for those meetings for which the treaty body currently requests summary records, taking into account that these measures will not be seen as a precedent, given the special nature of the treaty bodies. However, at the request of a State party, a summary record of the meeting of the State party with the treaty body could be translated on demand to the official language used by the State party. This should be seen as a transitional measure with a view to eventually providing through alternative methods, such as closed captioning, verbatim records of the meetings of the treaty bodies in the languages provided for in the committee.

Documentation processing capacity freed up as a result of this change should be used to improve rates of timely issuance of translated documentation to the treaty bodies. Additionally, the backlog of summary records should not be translated as of 2013.

26. Open public space for all States parties to present their potential candidates or nominees for treaty bodies

The proposal is that an open public space be set up for all States parties to present their potential candidates or nominees for treaty bodies using modern technologies including social media. This space would be moderated by five former treaty body members with various professional backgrounds reflecting adequate balance in terms of sex, region and legal system. To ensure an objective process and respect for the independence of the system, the meeting of the Chairs could be entrusted with the selection of these experts. The process could enhance the quality of information available to States parties with regard to the credentials of interested candidates or actual nominees for a seat on one of the treaty bodies. Furthermore, it could provide equal opportunities to all candidates, including those from developing countries, to present their candidacies.

Recommendation

It is the view of the co-facilitators that further availability of information on all candidates to the treaty bodies would improve the current process of the nomination and election of experts. There was, however, no agreement in the intergovernmental process on whether the proposal for an open public space would address this need or duplicate existing measures. It is therefore the view of the co-facilitators that the issue does not require further discussion within the intergovernmental process.

27. Further institutionalization of engagement with other United Nations partners

Further institutionalized cooperation of treaty bodies with other United Nations entities could provide more efficient support to the State party and other stakeholders in the preparation, review and follow-up to a State party review by a treaty body. The proposal is that treaty bodies, as far as possible and within their mandate, encourage and facilitate improved United Nations support for the treaty bodies' processes, align their diverse procedures of interaction with United Nations entities and develop jointly agreed upon generic guidelines for country-specific

written submissions, including templates for joint submissions and oral briefings. Such support could build on each United Nations entity's comparative advantage in terms of its specific mandate, area of expertise and geographic presence, as well as drawing on the collective strengths of the system through the United Nations country teams. Institutionalization could lead to strengthened and systematized interactions of the United Nations system with all human rights treaty bodies, in support of the States parties and related stakeholders, through cyclical engagement in preparation, dialogue and follow-up.

Recommendation

Currently, many United Nations agencies (in particular, UNICEF and UN-Women) provide significant support to States parties at their request, with regard to their obligation to report to the human rights treaty bodies, as well as their follow-up to recommendations. In addition, the United Nations country team and the United Nations Development Group (UNDG), assist OHCHR in carrying out its mandate at the national level.

It is the view of the co-facilitators that such assistance could be further strengthened and such cooperation should be systematized to provide more efficient support to the State party and other stakeholders in the preparation, review and follow-up processes. Such support should build on each United Nations entity's comparative advantage in terms of its specific mandate, area of expertise and geographic presence, as well as drawing on the collective strengths of the system through the United Nations country teams.

To encourage and facilitate improved United Nations support for the treaty bodies' processes, treaty bodies and the Office of the High Commissioner could align, as far as possible and within their mandates, their diverse procedures of interaction with United Nations entities and develop jointly agreed upon generic guidelines. This could build on the best practice of UNICEF work with the Committee on the Rights of the Child.

28. Dual chambers

The proposal is that treaty bodies be encouraged to work in double chambers or two working groups when possible. This would split their memberships in two, with half of the membership attending each chamber for the review of a State party report. Either the chamber could both review the report in full and adopt concluding observations, or the review could take place in dual chambers and the concluding observations could then be discussed in plenary, with all members participating.

Given the experience of the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women a double-chamber system can increase the number of State party reports reviewed during a session between 70 and 80 per cent by condensing more reviews per session. On the basis of its positive experience, the Committee on the Rights of the Child requested, in its decision No. 10 of 11 February 2011, to continue to work in dual chambers in order to stop the backlog of reports from growing further and possibly address the backlog and encourage timely reporting. The proposal has also been presented as an alternative to an increase in meeting time for some of the treaty bodies to address the backlog of reports. This is due to the concern expressed regarding the

availability of treaty body members to attend more meetings per year without receiving financial compensation.

Recommendation

It is the view of the co-facilitators that the treaty bodies, in particular the larger treaty bodies, should be encouraged to work in dual chambers when possible and as necessary. Despite some of the shortcomings of such a system, it is the view of the co-facilitators that such a system is the only way to increase the capacity of the treaty bodies without addressing the concern expressed regarding the availability of treaty body members to attend more meetings per year without receiving financial compensation. This is also at the explicit request of some of the larger treaty bodies, which have discussed dual chambers as not only an efficient way to organize their work, but the only way to address the backlog of reports effectively.

However, it is recommended that such a system conduct reviews and other appropriate work in dual chambers, while the concluding observations are formally discussed in plenary, with all members participating. Additionally, it would be clearly established as a responsibility of the Chair of the committee to ensure balance between the chambers with regard to the geographical distribution, gender and professional background of the experts.

29. Calendars for reporting

The proposal on a comprehensive calendar is aimed at comprehensively addressing multiple challenges facing the reporting process established under the treaties. It is also aimed at providing certainty and increased efficiency for States parties in terms of scheduling the review of their reports and reduces the need for the treaty bodies to continually request additional meeting time. Section 4.1 of the report of the High Commissioner elaborates on this proposal. In addition, the question-and-answer paper on the master calendar provided by OHCHR clarifies a number of questions posed by delegations.

The estimated additional resources required for the comprehensive calendar would represent an increase of approximately $52 million compared with the existing budget allocations based on a five-year periodicity of reporting. An overview of the impact of cost-saving measures on that estimate can be found in annex 3 to the question-and-answer paper on the master calendar provided by OHCHR.

The fixed nature of the comprehensive calendar is its most important feature, providing for predictability and stability in reporting for both States parties and treaty bodies. Additionally, it allows for the efficient use of resources by the treaty bodies. This predictability has been seen by many Member States as a desirable feature of any future format of the human rights treaty body system. However, a number of States have questioned how the comprehensive calendar could be put into place, given the periodicity set out in the treaties, which remains incompatible, and the large amount of resources required to service such a calendar, as well as the issue of how such a calendar would address non-reporting.

Recommendation

Various views and questions were raised in the intergovernmental process on different proposals for calendars for reporting, with some questioning the practical ability of the system to put such a system in place while others supported the predictability such calendars would bring.

It is the view of the co-facilitators that for some of these questions, further clarity is required on the practical implications of the different types of the calendar for reporting that were presented during the intergovernmental process, including the comprehensive reporting calendar, the opt-in national calendar and the nimble calendar. In light of the urgent need to strengthen the system, it is the view of the co-facilitators that a report should be requested from the Secretary-General that provides clarity with regard to these questions and considers different models for calendars for reporting.

30. Resources

With respect to the allocation of resources towards the treaty body system, a number of United Nations offices have been tasked with carrying out this function, including OHCHR and the Division of Conference Management in Geneva. OHCHR, in particular through its Human Rights Treaties Division, is the United Nations entity responsible for the overall support provided to the human rights treaty bodies, while the Division of Conference Management of the United Nations Office at Geneva provides conference services in general, including to the treaty bodies. Furthermore, the United Nations Information Service in Geneva has the function of issuing press releases and summaries of all public meetings, also covering the treaty bodies. The cost of the treaty body system is distributed through OHCHR and the United Nations Office at Geneva, with the former handling staff costs and travel/daily subsistence allowance and the latter dealing with costs related to conference services.

The support provided by OHCHR to the treaty bodies is currently drawn from two sources: the United Nations regular budget ($29.7 million in 2010-2011) and voluntary contributions ($9.6 million in 2010-2011). Thus, in 2010-2011 the regular budget provided 76 per cent of the total of $39.3 million in resources. From the regular budget allocation, some $12.1 million was used to fund the travel of members to treaty body sessions and $17.6 million went to OHCHR, mainly to enable the staff to support the work of the treaty bodies. In addition, $9.6 million was made available from voluntary contributions, to increase the level of support provided to the treaty bodies. Conference services cost an estimated $72 million during the biennium 2010-2011. Further information on the resources required for the system can be found in the cost paper prepared by the Office of the High Commissioner and the Division of Conference Management in Geneva.

Observation/recommendation

The necessity of providing the human rights treaty bodies with the resources required for their effective functioning was recognized by all Member States. However, it was also clear that a long-term, sustainable solution was required for the system to make it as efficient as possible and flexible enough to deal with both fluctuations in reporting, increases in ratifications and possible additions of new instruments in the future.

To address the current backlog challenge — comprising State party reports and individual communications — facing the system and the possible increase in the rate of reporting compliance in the coming years as a result of increased treaty ratifications, the co-facilitators believe that there is a need to adopt a system that is nimble enough to adjust to changes: an evolving approach that would be ready for possible full reporting compliance and eliminate the backlogs in reviewing State party reports, as well as individual communications, while still providing the treaty bodies with ample opportunities to organize their meetings and cover all aspects of their mandates.

It is the view of the co-facilitators that the current funding model of the human rights treaty body system needs to be changed. Currently, the system requests funds on the basis of reports submitted. This approach neither addresses the backlog in an efficient way nor provides any incentive for increased compliance. It would possibly be more appropriate to look at the funding needs of the system on the basis of the number of ratifications, and the expected compliance of States parties on a regular basis, through a coordinated biennial request.

Regular review through a coordinated biennial request

It is the view of the co-facilitators that as a basis for a regular review, requests for adjustments of committee meeting time and resources of the treaty body system should be addressed in a single comprehensive biennial request. Greater predictability of requests for resources would be beneficial for both States parties and treaty bodies and would allow for the long-term management of the workload of the treaty bodies.

OHCHR should, after consultation with the treaty bodies, report to the Third Committee of the General Assembly on the current status of the treaty body system. All individual requests by treaty bodies should be a part of this report and balance the needs of the system as a whole. The report should include such information as the current backlog, the current funding situation, reporting rates, increases in ratification, new instruments (for example, optional protocols) and any fluctuations in the receipt of reports and individual communications. Additionally, it should provide information regarding OHCHR activities in supporting the capacity-building of Member States.

The issuance of the report, and its subsequent discussion in the Third Committee, should be carried out in time for the regular budget submission of OHCHR, in order to provide context for submission for the treaty body system.

Backlog of reports and communications

It can safely be assumed that the cost of funding the system would be lower during the first few years, as not all States parties would submit reports, compared with the cost based on the number of ratifications. The budget surplus would be available to the treaty bodies to address the backlog of reports. After the backlog of reports was addressed during these first years, an aspirational rate could be established in the biennial request that would take account of the number of reports expected to be submitted by States parties according to the national calendar and the number of reports that could reasonably be expected from other States parties, supported through technical assistance. In this way, the capacity of the treaty bodies

to address the backlog would slowly be replaced with new reports, as the technical assistance provided to States parties should lead to increased reporting.

Measures to improve the efficiency and effectiveness of the system

In addition, the following measures should be taken to further improve the efficiency and effectiveness of the treaty body system:

- *Reasonable accommodation*. OHCHR should make efforts to comply with relevant accessibility standards with regard to the treaty bodies, to facilitate full participation by persons with disabilities in the work of the treaty bodies, whether they be treaty body members, representatives of States, national human rights institutions, non-governmental organizations or other stakeholders. At the same time, OHCHR should provide reasonable accommodation for treaty body experts with disabilities to ensure their full and effective participation;

- *Translation on demand*. For State party reports, lists of issues, committees' concluding observations and views on communications, translation could be reduced to the original language of submission and two additional official languages determined by the committee, taking into account that these measures will not be seen as a precedent, given the special nature of the treaty bodies. Upon the request of a State party, documents could be translated on demand into one or more additional official languages other than the three languages in which the report would be provided. As a large majority of these documents are provided in one of the two working languages of the United Nations, the additional cost of translation provided on demand would be offset;

- *Contingency fund*. To address the fluctuation in reporting, the budget could include a contingency fund expressed as a percentage of the overall budget level, to accommodate additional expenditures relating to the biennium. This is due to possible increased reporting, above the levels expected in the biennial request of the treaty bodies;

- *Reduction in the number of working languages used by all treaty bodies*. The allocation of working languages to treaty bodies should be determined by the committee and should include a maximum of three working languages, taking into account that these measures will not be seen as a precedent, given the special nature of the treaty bodies. On an exceptional basis, a fourth language could be provided. This could be reviewed on a biennial basis as new experts are elected and based on their language requirements. In addition, this would not have an impact on the dialogue with a State party, which would still be able to speak in one of the six official languages during the dialogue with the treaty body. Finally, the cost-saving impact of this change would be enhanced by the changes in the agreement of the United Nations with the International Association of Conference Interpreters on the price for freelance interpretation;

- *Travel of treaty body experts*. OHCHR should improve the efficiency of the current arrangement with regard to the travel of treaty body experts in line with section VI of resolution 67/254. Additionally, the standard of accommodation for the air travel of treaty body experts should be brought into

line with the rules governing the travel of staff members of the United Nations at the level below Assistant Secretary-General, while daily subsistence allowance should continue to be provided at the level of Assistant Secretary-General;

- *Flexibility in scheduling*. OHCHR should maintain a list of States parties whose reports are part of the backlog and who are ready to consider, at short notice (a minimum of three months in advance), participating in an interactive dialogue with the treaty body concerned on the basis of their backlogged reports. If another State party is unable to use its allotted time, every effort should be made to schedule a State party on that list to allow for the most efficient use of the committee's time.

31. Guidelines on the independence and impartiality of members of the human rights treaty bodies ("the Addis Ababa guidelines")

A number of treaty bodies have developed tools to guarantee the independence and impartiality of their members. Whereas most treaty bodies have provisions to this end in their respective rules of procedure, the Human Rights Committee adopted a separate set of guidelines. Achieving such a standard of independence and impartiality is a precondition for attaining the ultimate objective of the treaty body system, namely to provide the most objective and respected assessment and guidance to States parties in fulfilling their human rights treaty obligations.

The treaty body Chairs prepared and adopted guidelines on the independence and impartiality of treaty body members at their meeting in Addis Ababa in June 2012. The guidelines promote a consistent understanding and approach for all treaty bodies on the issue of membership, including on potential cases of conflict of interest affecting the engagement of experts in the exercise of their functions.

Observation/recommendation

The importance of the independence and impartiality of members of the human rights treaty bodies was reaffirmed by Member States in the intergovernmental process. States, as well as all other stakeholders in the treaty body system, should fully respect the independence of treaty body members and avoid any act that would interfere with the exercise of their functions. There was, however, no agreement among Member States as to how this independence and impartiality could be secured through a set of guidelines or the competence of the intergovernmental process to enact such guidelines for the treaty bodies.

It is the view of the co-facilitators that States, as well as all other stakeholders in the treaty body system, should recommit to fully respecting the independence of treaty body members and avoiding any act that would interfere with the exercise of their functions. Additionally, treaty bodies could be encouraged to continue to consider and review their Addis Ababa guidelines.

Such a review could draw on the best practices and lessons learned from similar past experiences and should take into account the views of States parties and other stakeholders. Additionally, the process should be transparent, comprehensive and all-inclusive, enabling all members of the treaty bodies to reflect upon and participate in the formulation process. These consultations could be held virtually and through focused discussions within the committees.

32. Strengthening the meeting of the Chairs and their interaction with States parties

The importance of effective dialogue between treaty body experts and States parties can have a positive impact on the work of the treaty bodies as well as ensure increased reporting and understanding of the treaty body system among States parties. This was highlighted in the intergovernmental process by both delegations and the treaty body experts and was demonstrated repeatedly through the effective dialogue between them.

Recommendation

It is the view of the co-facilitators that there is a need to formalize and institutionalize the annual meeting of the Chairs of treaty bodies with States parties. This is with a view to ensuring that an open and formal interactive dialogue is established in which all issues of concern could be raised by States parties in a constructive manner. This would complement the yearly informal discussion that each treaty body organizes with States parties.

Additionally, it would be useful if this meeting would be held at regular intervals, such as every three years, in New York. This would facilitate the input of the Chairs into important processes in New York, such as the budget process.